IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 4464 of 2004(F)

PETITIONER:

U.P.V. KUNHAPPAN, AGED 56 YEARS,
(RETIRED INSPECTOR), S/O. U.P.V.CHIRI,
RESIDING AT ONAKKUNU, KARIVELLUR,
KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN,
SRI.TOJAN J.VATHIKULAM.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   PRINCIPAL SECRETARY TO GOVERNMENT,
   DEPARTMENT OF HOME AFFAIRS, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR GENERAL OF POLICE**
   POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

3. **THE SUPERINTENDENT OF POLICE,**
   KASARAGOD.

BY GOVT. PLEADER SRI. K.V. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.4464/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION DTD. 01/06/2000 SUBMITTED TO THE R.3.

EXT.P.2: COPY OF THE REPRESENATION DTD. 28/06/2000.

EXT.P.3: COPY OF THE COVERING LETTER DTD. 31/03/2001 SENT ALONG WITH EXT.P.2. TO THE R.1.

EXT.P.4: COPY OF THE COMMUNICATION DTD. 02/09/2002 OF THE R.1.

EXT.P.5: COPY OF THE ORDER DTD. 05/08/2003 (NO.B4-474/03).

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 4464 OF 2004

Dated this the 12th day of July, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayers:

> i) issue a writ of certiorari or other appropriate writ order or direction, calling for the records leading to Exhibit P5 and declare the same to be illegal and quash the same, to the extent it does not fix the pensionary benefits to the petitioner, based on the pay scale reckoning the period of training rendered after appointment to the post of Sub Inspector of Police.
>
> ii) issue a writ of mandamus or other appropriate writ order or direction directing the respondents to reckon the period of training of the petitioner after joining the post of S.I. of Police and to give him all consequential benefits pursuant thereto.
>
> iii) issue a writ of mandamus or other appropriate writ or order directing the respondents to accept the re-option submitted by the petitioner in respect of 1988 and 1992 pay revisions and to grant the petitioner all consequential benefits.

2. It is submitted that the issue is covered in favour of the petitioner by the decision reported in *Lakshmanan vs. State of Kerala* (1995(1) KLT 115). Hence, there will be a direction to the respondents to take appropriate action in the case of the

petitioner in the light of the above decision, within a period of two months from the date of production of a copy of this judgment. Eligible benefits also shall be disbursed to the petitioner within another one month.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp